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January 22, 2020

## VIA ECF AND E-MAIL

Honorable Stuart M. Bernstein  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Room 723  
New York, NY 10004-1408

*Re: Picard v. HSBC Bank PLC, et al., Adv. Pro. No. 09-01364 (SMB)*

Dear Judge Bernstein:

We write on behalf of the Trustee, concerning the scheduling of four of the Trustee's recently filed motions seeking the issuance of letters of request.

On January 10, 2020, the Trustee filed two motions for the issuance of letters of request, seeking (1) the examination of Wilhelm Holzer and (2) the examination of Gerald Pistracher (the "Holzer and Pistracher Motions").<sup>1</sup> The Holzer and Pistracher Motions set January 17, 2020 as the date for objections and January 22, 2020 as the date of presentment. Although no objections were filed, Alpha Prime advised us that, by the end of January, it intends to file its own motions for the issuance of letters of request for Messrs. Holzer's and Pistracher's examinations. So that the Trustee's and Alpha Prime's motions may be simultaneously presented to Your Honor, we respectfully request that the presentment date for those motions be adjourned to February 26, 2020.

In addition, on May 24, 2019, the Trustee filed a motion for the issuance of letter of request for the examination of Brian Pettitt (the "Pettitt Motion"), a former HSBC employee.<sup>2</sup> On June 3, 2019, HSBC and Mr. Pettitt filed a memorandum of law in opposition to the Pettitt Motion.<sup>3</sup> Subsequently, the Trustee submitted a request to Your Honor to stay the Pettitt Motion pending discussions between counsel. On January 21, 2020, the Trustee filed a motion for the issuance of

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<sup>1</sup> ECF Nos. 574 and 575.

<sup>2</sup> ECF No. 526.

<sup>3</sup> ECF No. 529.

Honorable Stuart M. Bernstein  
January 22, 2020  
Page 2

letter of request for the examination of Saverio Fiorino (the “Fiorino Motion”), another former HSBC employee.<sup>4</sup> The Fiorino Motion requests a February 4, 2020 deadline for opposition, a February 11, 2020 deadline to file a reply, and a February 26, 2020 hearing date. Counsel for the Trustee and for HSBC have agreed that the Trustee’s reply will address HSBC’s opposition to both the Pettitt and Fiorino Motions, and that HSBC may file a sur-reply concerning the Pettitt Motion. Accordingly, the Trustee respectfully requests that the Pettitt and Fiorino Motions both be heard on February 26, 2020.

Respectfully submitted,

*/s/ Oren J. Warshavsky*

Oren J. Warshavsky

*so ordered  
smw  
1/22/20*

cc: All counsel on attached service list

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<sup>4</sup> ECF No. 579.